

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

STEPHEN SPRINGSTUBBE,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

MAGIC WINDOW COMPANY,

Defendant.

Case No. 2:23-cv-12816-LJM-CI

JOINT STATUS REPORT

Plaintiff Springstubbe and Defendant Magic Window Company provide the following Joint Status Report pursuant to the Court's Order (ECF No. 10).

Discovery Completed

On February 28, 2024, Plaintiff served an initial set of written discovery on Defendant seeking information regarding the claims and defenses of putative class members.

On April 19, 2024, Defendant served its responses and objections to Plaintiff's discovery initial set of written discovery.

On April 22, 2024, Defendant commenced a rolling production of responsive documents, which included, among other things, hundreds of pages of records of calls to putative class members and others that were completely redacted, except for some of the calls to Plaintiff.

On April 23, 2024, Plaintiff initiated a meet and confer with Defendant aimed at obtaining the call records in unredacted form. As a result of the parties' telephonic and further email conferrals, the parties agreed to and the Court entered a stipulation Defendant required to produce the call records.

On May 10, 2024, Defendant produced the call records. However, the call records do not include many of the calls to Plaintiff and other class members within the class period, which is from four years prior to the filing of the complaint, consistent with the Telephone Consumer Protection Act's four year statute of limitations. Defendant disagrees with Plaintiffs' characterization of the records that have been produced to date. Defendant contends that it has produced responsive records consistent with its stated objections. Plaintiff has not explained with specificity what it believes is deficient in Defendant's document production. Call records, to the extent they exist, have been produced.

Anticipated Remaining Discovery

Plaintiff anticipates the need for further conferral regarding the timeframe of call records produced. Plaintiff also anticipates serving a second set of written discovery targeted towards Defendant's defenses to specific putative class members' claims after Plaintiff's expert analyzes the call records to identify potential putative class members who satisfy the requirements for class membership (on the National Do Not Call Registry for more than 30 days and called 2 or more times in a 365 day

period). Plaintiff will then be deposing Defendant's corporate representative. Defendant will issue written discovery to Plaintiff in the next 10 days. Defendant intends to depose Plaintiff and any other putative class members that are made known to it to identify the individualized nature of each plaintiff's claims.

Settlement

The parties have conferred regarding settlement. Plaintiff proposed that the parties attend mediation, but Defendant declined, at this juncture. Defendant is open to negotiating an individual settlement, which Plaintiff declined.

DATED this 13th day of May, 2024. Respectfully submitted,

By: /s/ Avi R. Kaufman
Avi R. Kaufman
kaufman@kaufmanpa.com
KAUFMAN P.A.
237 South Dixie Highway, Floor 4
Coral Gables, FL 33133
Telephone: (305) 469-5881

By: /s/ Karen S. Hockstad
Karen S. Hockstad (P47409)
Dinsmore & Shohl, LLC
191 W. Nationwide Blvd., Suite 200
Columbus, OH 43215
Telephone: (614) 628-6930
Karen.hockstad@dinsmore.com

J. Travis Mihelick (P73050)
Dinsmore & Shohl, LLP
755 W. Big Beaver Road, Suite 1900
Troy, MI 48084
Telephone: (248) 203-1655
Travis.mihelick@dinsmore.com

Senara R. Dollar (85357)
Kelly A. Myers (P49143)
Myers & Myers, PLLC
915 N. Michigan Avenue, Suite 200
Howell, MI 48843
Telephone: (517) 540-1700
sdollar@myers2law.com
kmyers@myers2law.com

*Attorneys for Defendant Magic Window
Company d/b/a Majic Window*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all attorneys of record by electronically filing the same via the ECF system on this 13th day of May, 2024.

/s/ Avi R. Kaufman